

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RIZZARI CONSTRUCTION,

Plaintiff,

v.

GRANITE INDUSTRIAL GASES,
INC., AND TODD MILLER,

Defendants.

Civil Action No.: 05cv10434(GAO)
Magistrate Judge Alexander

JOINT STATEMENT

NOW COME the parties in the above-captioned matter, pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(D), and hereby submit the following joint statement:

1. Pre-discovery Disclosures. On or about September 9, 2005, Defendants made their initial disclosures pursuant to Fed. R. Civ. P. 26(a);

2. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

All discovery commenced in time to be completed by April 28, 2006, with written discovery subject to the limitations set forth in Local Rule 26(1)(C).

Reports from retained experts under Fed. R. Civ. P. 26(a)(2) and Local Rule 26.4 are due from plaintiffs by May 26, 2006.

Reports from retained experts under Fed. R. Civ. P. 26(a)(2) and Local Rule 26.4 are due from defendants by June 23, 2006.

3. Other Items. The parties request a final pre-trial conference in May, 2006.

All Amendments to Pleadings shall be filed in compliance with F.R.C.P. 15.

All dispositive motions should be filed by July 14, 2006.

The case should be ready for trial in September, 2006.

4. Trial By Magistrate. The parties do not agree to have this case tried by a Magistrate.

5. Certification of Consultation. The parties will separately provided their respective certifications.

Respectfully submitted,
Plaintiff,
RIZZARI CONSTRUCTION,
By its attorneys,

/s/ Richard P. Heartquist
Richard P. Heartquist, BBO #564451
200 Sutton Street, Suite 244
North Andover, MA 01845
(978) 687-6664

Defendants,
GRANITE INDUSTRIAL GASES, INC.
and TODD MILLER;
By their attorneys

/s/ Timothy E. Bray
Mark J. Sampson, BBO #552808
Timothy E. Bray, BBO #652398
DEVINE, MILLIMET & BRANCH, P.A.
300 Brickstone Square, P.O. Box 39
Andover, MA 01810
(978) 475-9100